The A. F. of L. Weekly News Service gives a brief summary of important matters affecting labor, occurring in the industrial, legislative and judicial fields, and such other information that will benefit the trade union movement.

AMERICAN FEDERATION OF LABOR

WEEKLY NEWS SERVICE

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The spirit in which we act is the chief matter.—Goethe.

WHOLE NO. 997. WILLIAM GREEN, President WASHINGTON, D. C., SATURDAY, MAY 17, 1930 FRANK MORRISON, Secretary VOL. 20, NO. 10.

UNFAIR "DOG" PACT UPHELD BY EASTERN SUPREME COURT

Boston, May 17.—The duress used and the unsocial character of the "yellow dog," as shown by Senators in their fight against Judge Parker, was ignored by the Massachusetts Supreme Judicial Court in a ruling that it is unconstitutional to outlaw this alleged contract.

The court made this decision at the request of the Massachusetts House of Representatives, which is considering an anti-"yellow dog" proposal, similar to the Wisconsin law. Under a Massachusetts statute, the legislature can ask the court for an opinion on proposed legislation.

The court did what Judge Parker did—accept the "yellow dog" at its face value. Just because the "yellow dog" is called a contract, it is upheld, regardless of its social effect or the force to secure unwilling assent to such a document.

This petrified legal philosophy is now sustained by the Massachusetts high court.

The decision, together with the anti-union National Association of Manufacturers' announced friendship for the "yellow dog", will impress labor with the need for a long and continuous fight before this serf-breeding process is destroyed.

Organized labor must realize that the "yellow dog" is the most deadly weapon that can be leveled at trade unionism, and that this power will not be voluntarily yielded by reaction that would control labor with the aid of the injunction process.

"DOG" WAS FRIENDLESS; NO SENATE DEFENDER

Washington, May 17.—Everyone tied a tin can to the "yellow dog" during the Senate debate on Judge Parker's appointment.

In concluding his opposition speech, Senator Borah made this significant statement:

"No Senator on this floor has yet soiled his lips by defending the contract involved in this controversy."

Mr. Johnson said the Supreme Court's Dred Scott decision, before the Civil War, in which it was held that a black man is property, "is no more important than this ('yellow dog') where industrial freedom is at stake."

Judges Should Not Exalt Property; Human Rights First, Say Senators

New York, May 17.—"An acceptable nominee for the Supreme Court must be a man who places the importance of human rights before property rights and the ambitions of centralized wealth. He must be free of religious or local prejudices."

This summarizes views of five Senators on the qualifications of a Supreme Court judge, printed in the New York World. The Senators are Messrs. Wagner, Copeland, Caraway, Nye and Tydings.

"General scholarship and learning in the law are of course essential, but primarily he must be a philosopher-statesman," said Senator Wagner. "In addition he should not be selected unless he has demonstrated in a career replete with conspicuous achievements that he regards the law as an instrument of progress and not as an apology for stagnation."

Senator Copeland said an ideal candidate for the Supreme Court "must have openness of mind that only possession of imagination and vision can guarantee."

"I do not mean," asserted Senator Copeland, "that the candidate must be a dreamer or an impractical idealist; but surely he must not be controlled by crystallized, fossilized convictions that can not be changed in the face of new thought and new ideas in legal construction. He must be able to distinguish between the letter and the spirit of the law. Blindly following tradition and meekly accepting ancient standards should not be his habit. He must possess social consciousness, recognizing the supreme importance of individual as against property rights."

Senator Caraway declared a Supreme Court candidate should realize that "the law was made for the people and not the people for the law." He should understand the philosophy not only of the law but of our Constitution and our civilization. He should realize that while it is necessary to guard vested interests, that these interests are not superior to the rights of human beings. In other words, a man who is broad enough and sympathetic enough to know that our development and our progress is due more to liberty, to equal opportunity, than it is to the sacredness of invested wealth.

Senator Tydings and Nye insisted on qualifications along lines indicated by their colleagues.

AMERICA ONLY NATION COURTS CAN UPSET LAW

Washington, May 17.—"There is no important government in Europe, or for that matter in the world, where the judicial branch exercises the right to declare unconstitutional acts of the national legislature," said Senator McKellar in a radio address.

"In England, theoretically, the king has the power of veto, but it has not been exercised for two centuries," said Mr. McKellar. "The courts of England exercise no right of revision or nullification over the acts of Parliament.

"There is only one instance in which it was done and in that case the chief justice was hanged and his associates driven from the country.

"I do not mention this interesting circumstance as an indication that I would favor such treatment of our courts in the United States, but merely as emphasing the singular and almost unprecedented power over acts of legislation exercised by the courts of the United States."

PORTO RICAN KIDDIES ARE POVERTY VICTIMS

Washington, May 17.—Sixty per cent of Porto Rican children are underfed, said Theodore Roosevelt, Jr., Governor of Porto Rico, who is in this city. He urges Congress to pass an appropriation of $3,000,000 for hurricane relief in that island.

The restoration of property is necessary, said the Governor, who also said that "conditions on the island have never been good because there has never been a general diffusion of prosperity" and conditions have been aggravated by the cyclone.

"Next, we must build up school facilities, for at present only 40 per cent of Porto Rican children can go to school. There are no facilities for the remainder.

"Also, the health situation is desperate. Sixty per cent of the children are underfed. Annually, there are about 40,000 sufferers from tuberculosis, and the death rate from the malady is four and one-half times that of the States."

Trade unionists who are acquainted with economic conditions in Porto Rico point to Governor Roosevelt's statement of a lack of "general diffusion of prosperity" as the reason for child undernourishment, disease and faulty education.

The island is a victim of merciless absentee landlordism. Wealth is being taken from Porto Rico by American and foreign corporations who refuse to contribute, in the form of taxes, their share of maintaining the government. They have seized the land and driven peasants from the country. These workers are housed in cities and are paid from 40 to 60 cents a day.

Poverty and its attendant evils naturally follow this exploitation.

WAGE WOMEN SUFFER BY BACKWARD IDEAS

Washington, May 17.—Wage-working women are victims of ancient ideas, declared Miss Mary Anderson, director United States Women's Bureau.

"If progress in ideas could be made to keep pace with our material progress," said Miss Anderson, "much of the injustice and discrimination against women workers would disappear as by magic."

The bureau chief pointed out that invention has revolutionized women's work and that the gradual transformation of women's unpaid services into paid employment has developed many social and economic problems.

"With the resultant new scale of living costs, many men become unable under existing wage standards to meet the family needs," said Miss Anderson.

"INSIDERS" AWARE SLUMP WAS COMING

New York, May 17.—"Next July will mark one year of declining business," says a local financial journal. "The beginning of the turn downward in business dates from last July, although the depression did not gain momentum until six months or so ago."

This statement should be of interest to those who accepted stock market announcements between July and November, when the crash started, that this country was entering on a new business era.

While the public were gambling in stocks, the "insiders" were unloading—and then the inevitable happened.

GRUNDY IS SCORED BY MINERS' CHIEF

Philadelphia, May 17.—"Labor has no greater foe than Senator Grundy," declared John L. Lewis, president United Mine Workers, in a radio appeal to Pennsylvania workers to retire the junior Senator of this State to private life.

"Grundy has championed the strong and attacked and humiliated the weak," said the miners' chief. "Brutal in his arrogance, ruthless in his execution, he has fought reforms advocated by organized labor with unexampled ferocity.

"Grundy is an intellectual throwback who might have descended from a robber baron of the Middle Ages."

MARCH KING FROWNS ON "CANNED" MUSIC

Washington, May 17.—John Philip Sousa, America's march king, frowns on the army plan to have a mechanical musical device mounted on a truck for marching infantrymen.

"The boys who do the marching will not be stirred by such a device," said the bandmaster.

"Will the truck keep in step, too, do you think? I doubt if mechanical music can ever produce the same effect upon its auditor as personal music."

SENATORS ARE NOT "YES, YES" MEN

The Federal Constitution (Art. 11, Sec. 11) provides that the President "shall have power, by and with the advice and consent of the Senate" to appoint judges of the Supreme Court.

Political partisans and privilege seekers, who realize the need for a strong party spirit in their business, talk of "standing by the President." The Constitution ordains otherwise.

The President—regardless of whom he may be—has no sweeping powers in the appointment of Supreme Court Judges. His word is not law. He must go to the Senate for advice and consent.

Senators are placed on an equality with the President in such case, and to talk of "standing by the President" is to call on Senators to violate their oath.

Senators have the Constitutional right—and duty—to discuss a judicial appointment. To waive this right and duty would mean that Senators surrendered their prerogative and are mere "yes, yes" men.

To bring the Senate to this low level is the purpose of attacks on the nation's forum, where issues and men are discussed.

Such discussion is distasteful to groups who want things sneaked through under the guise of "standing by the President."

No citizen who believes in Americanism—who opposes the Mussolini ideal—should be a party to these slanders against the Senate.

These attacks are never directed against the Chief Executive, the Judiciary, or the House, where debate can be stopped and the most important measures are "railroaded."

The slanders are always against the Senate. The reason is plain.

Unlimited discussion develops facts.

NEW COURT APPOINTEE DISCUSSED BY GREEN

Washington, May 17.—Owen J. Roberts, Philadelphia lawyer and prosecutor in the oil leases cases, has been appointed Supreme Court judge by President Hoover, following the Senate's rejection of Judge Parker.

President Green made the following statement on the Owens appointment:

"The A. F. of L. will not interpose any objection to the confirmation of the appointment of Owen J. Roberts. Such information as we have been able to secure leads to the conclusion that Mr. Roberts is eminently fitted to serve as a member of the Supreme Court. His experience and training have been in a field where he has had wide opportunity to understand the problems which grow out of human relations in industry and those profound economic and social problems which so vitally affect human relationships.

"Labor insists that men appointed to such a high and exalted position as the Supreme Court shall be able, qualified, fair and just. We ask that in decisions affecting the lives, well-being and liberties of the people righteousness and justice shall characterize all decisions."

OUT-OF-DATE ECONOMIC THEORIES

The optimistic theory that technological employment releases workers for new industries can not stand analysis.

Automatic machinery can be applied to new industries, as well as to old. The machine—wherever operating—produces more than can be consumed.

E. B. Reeser, president American Petroleum Institute, was recently quoted that "the depression existing today in many industries is due to efficiency."

Bernard M. Baruch, New York banker, stated in Boston, recently, that "we have business stagnation because there is more of everything than can be sold at a profit." He classed as "public lunacy" a system that decrees unlimited production of "indigestible masses of unconsumable products."

Henry P. Kendall, president Kendall Company, speaking before the Atlantic Cotton Association meeting, at Augusta, said: "Overproduction means curtailed employment and reduced earnings, and reduced earnings mean lessened purchasing power. The new purchasing power should come first or industry will "choke down," he said.

Theodore M. Knappen, associate editor The Magazine of Wall Street, declares that "American industry can easily make in eight months all that it can dispose of in twelve," and that "jobs become scarces and scarcer."

These statements justify organized labor's claim that hours should be reduced and wages increased.

Old slogans of stand-pat economists must be junked.

The cry for more production, and still more production, must be replaced by a demand for equitable distribution.

PUBLIC OPINION IS BASIS OF LAW

"Laws are not made by ukase or by dictate, but are based upon the public conscience," said New York State Supreme Court Justice John F. Carew, in a New York speech.

If every member of organized labor understood this basis of law they would continuously agitate and educate.

They would understand that it is futile to elect lawmakers or select judges until the foundation for law is laid. This foundation, as Justice Carew points out, is public conscience.

The public must accept new viewpoints. Agitation can create such a public conscience that is greater than parties or individuals.

Under the kingly system a public conscience is not necessary—the monarch does the people's thinking. A democracy can not function when our foundation of law is ignored.

IDLE GROUP GROWS IN NEW YORK STATE

Albany, N. Y., May 17.—There was a further decrease of between 1½ and 2 per cent in employment in New York State factories in April, as compared with March, according to State Industrial Commissioner Frances Perkins. The employment index for the month was 90 per cent, she stated, which is one point below the low established in July, 1928.

"What we know about economic trends in this country and in this State," she said, "does not bring us to a conclusion that unemployment is over, but rather that we should advise public officials generally, and large corporations to prepare now through the summer months for public work to be put into operation in the fall."

If we have unemployed in the fall to the same degree as last fall, she declared, there will be much suffering. School children should not be added to those looking for work through the summer months, according to Miss Perkins. School teachers, principals and pastors should work together in advising parents and children about this, she added.

QUOTA FOR MEXICO FAVORED BY SENATE

Washington, May 17.—The Senate, by a vote of 51 to 16, placed Mexico under an immigration quota on the national origin basis.

It was explained that the act will limit this immigration to between 1,200 and 1,800 annually, whereas at present approximately 8,000 annually enter the country.

Strong objections have been registered by the West and Southwest against uncontrolled entry of Mexicans who are destroying wage standards. Large agricultural and corporate interests that seek cheap labor oppose restriction.

ANTHRACITE MINERS TO OPPOSE WAGE CUT

Hazleton, Pa., May 17.—The anthracite miners' convention instructed its scale committee to negotiate a new contract with operators on the basis of no reduction in wages. The present contract for the three districts expires August 31.

FARMER URGED TO WAR ON ECONOMIC ENEMIES

Chicago, May 17.—Organized farmers are urged to war on their economic enemies by S. H. Thompson, president American Farm Bureau Federation, representing a membership of 1,000,000 rural families.

In a message to the 1,837 county farm bureau units composing the federation, President Thompson appeals for "a united front against the forces which are seeking to undermine the activities of the Federal Farm Board's activities."

Farmers are called upon to acquaint Congressmen and Senators with this opposition and to "use your publications, radio, the newspapers, the farm press and every available source to solidify agricultural sentiment on this vital economic issue."

Thompson says his message is inspired by the recent action of grain exchanges in attacking the marketing act "individually and through the Chamber of Commerce of the United States."

The business men are objecting to government aid to farmers' co-operative marketing organizations, which is claimed to be "special privilege."

The Chamber of Commerce condemned this feature of the farm act at its recent convention in Washington. Chairman Legge of the Federal Farm Board charged the business men with favoring another national conference at which meaningless resolutions of sympathy for the farmers would again be passed.

RAILROAD MERGERS URGED BY FINANCE

Buffalo, N. Y., May 17.—"Railroad consolidation legislation is being sought largely to aid financiers and promoters," declared President Cashen of the Switchmen's Union of North America.

"As representatives of railroad labor," said Mr. Cashen, "we know that economically efficient operation becomes more difficult as a railroad system expands beyond the effective control of a single head; when divisions have been lengthened; when terminals and other facilities have been moved.

"Consolidation losses amount to millions of dollars—losses of employment which have affected more than 200,000 employes and losses through part-time employment which have affected almost all railroad employes, with the public gain in many cases a questionable matter."

President Cashen insists that these mergers should not be permitted unless provision is made to protect the public and employes, with special regard for losses of employment, reduction of property values because of removal of terminals, and irregular employment.

The trade unionist shows how the abandonment of terminals and division points destroy entire communities and thereby affect not only workers but every other citizen.

JUSTICE IS LIVING PRINCIPLES OUR COURTS SHOULD NOT IGNORE

By WILLIAM GREEN
Editor American Federationist

Because the Supreme Court of the United States is a branch of our Federal Government which has a part in defining our economic and political principles, the appointment of a judge to serve for life in this court is an event of primary importance to all citizens. Supreme Court justices should be statesmen as well as jurists.

A statesman has at heart the welfare of his nation. A great jurist not only knows what other judges have held to be justice, but he knows the life forces and human motives that change situations and alter bases of judgment. He does not mechanically classify cases under orthodox labels and blindly follow precedents, but he seeks justice for each situation. Justice to him is living principles, not an artificial system of reasoning.

Any law clerk or practicing lawyer may be able to follow precedents and determine what judges have held to be justice in other cases, but it is only a great jurist who grasps principles of legal justice, sets principles of human freedom as goal, and sees through the conflict of human motives and actions a straight path to justice.

It is only to our great jurists that labor is willing to entrust the power vested in the justices of our Supreme Court. We believe that every nomination to this court should be submitted to the Senate of the United States accompanied by an adequate statement of the qualities and fitness upon which the nomination is based. We would safeguard the integrity and the usefulness of this court and the liberties of a free people.

CITY CAN HOLD JOBS FOR ITS CITIZENS

New Orleans, May 17.—The State Supreme Court upheld a Louisiana act which prohibits the employment on public buildings of mechanics who are not bona fide citizens and duly qualified voters of the State.

A contractor in this city who violated the law was sentenced to pay a fine of $100 or serve 60 days in jail. The Supreme Court upheld the lower court. The contractor contended that the law deprives him of the liberty to contract. He will appeal to the United States Supreme Court.

MUSCLE SHOALS FIGHT IS STARTED IN HOUSE

Washington, May 17.—The House Military Committee favors private ownership of Muscle Shoals as a substitute for government operation that Senator Norris succeeded in passing the Senate.

The House proposal would authorize the President to set up a board of three to lease the project for 50 years for the manufacture of fertilizer and development of power and is along the line suggested by the President in his annual message to Congress.

WAGNER EMPLOYMENT BILL IS PASSED BY SENATE, 34-27

Washington, May 17.—The Senate, by a vote of 34 to 27, passed Senator Wagner's bill that provides for a Federal employment system to cooperate with State agencies.

Stand-pat Senators, backed by the anti-union National Association of Manufacturers, claim the bill interferes with State rights and reflects on local pride.

The bill provides for creation in the Department of Labor of a bureau to be known as the United States Employment Service, at the head of which shall be a director general, and for the abolishment of the present employment service in the department. It provides further that the bureau shall "establish and maintain a national system of employment offices and assist in establishing and maintaining systems of public employment offices in the several States."

The bureau is to furnish and publish information as to opportunities for employment by maintaining a system for clearing labor between States, by establishing and maintaining uniform standards, policies and procedures, and by aiding in the transportation of workers to points for obtaining employment. An appropriation of $4,000,000 per year, beginning June 30, 1930, and continuing until June 30, 1934, is authorized, 75 per cent of which is to go to the States on a population basis. Reports from each State agency will be required.

A further provision is that the director general shall establish a Federal advisory council composed of an equal number of employers and employes to formulate policies and discuss problems relating to unemployment. He shall require organization of similar councils in the various States.

"The purpose of the bill," said Senator Wagner, "is simply to provide an adequate free employment service, nation-wide in scope. The bill provides for Federal aid and co-operation in States which already have such an agency established.

"There is nothing compulsory in the terms of the act. Whether or not the States accept the benefits of the act is entirely within the discretion of the State."

Twenty-three States already have State-directed agencies, Senator Wagner said, and representatives of most of these State organizations have given their approval to this legislation.

PEACE IN STEEL TRADE LOOMS; GREEN CHOSEN AS FINAL JUDGE

New York, May 17.—A quarter of a century dispute between the International Association of Bridge and Structural Iron Workers and employing iron and steel erectors appears to be at an end.

Both sides agree to discuss differences and will refer all matters of contention to William Green, president A. F. of L., for final decision in the event of disagreement on any issue. Green's decision will be binding upon both parties.

Strikes of iron workers on the jobs of Starrett Brothers and another large concern have been called off.

Former Governor Alfred E. Smith attempted to adjust the dispute last month, and, together with Frank Morrison, secretary A. F. of L., held conferences for nearly two weeks with the interested parties. The conferences were recently resumed by the employers and iron workers, headed by P. J. Morrin, general president of the International Association.

The dispute dates back to 1905 when a strike was called against the American Bridge Company, a unit of the steel trust, because of anti-union practices.

The Building Trades Employers' Association began to employ non-unionists and the union retaliated by withdrawing its members from employ of erectors affiliated to the Iron League, the local association of steel erecting employers, affiliated to the National Erectors' Association.

The contest has been marked by much bitterness, but the union increased its membership in this area despite these powerful influences that were aided by injunction judges.

UNION RALLIES HELD IN MANY DIXIE AREAS

Birmingham, Ala., May 17.—An all-day mass meeting of Gadsden and Anniston (Ala.) workers was held under the auspices of the A. F. of L. Southern Campaign Committee, Paul J. Smith, chairman. There are 15,000 workers in this district. The meeting was largely attended.

Textile workers at Danville, Va., who recently repudiated a company "union," predict a 100 per cent organization of legitimate unionism in the very near future. A recent mass meeting of these workers was attended by 1,500 textile employes, most of whom signed as members of the union. At a Lakeland, S. C., meeting 200 workers joined the United Textile Workers.

Printers report organization of a local at Staunton, Va., birthplace of the late President Wilson. Employers in newspaper and commercial shops reached an agreement with the new union.

Negro organizers are working overtime to meet the demands of these workers to affiliate with the A. F. of L. A switchmen's union of Negro workers has been formed, and Negro shopmen at Selma, Ala., are chartered. A Negro barbers' local at Anniston and Gadsden, Ala., is being organized.

A State textile council has been launched in South Carolina, composed of representatives of local unions in that State which have recently been organized. This is the most extensive advance textile trade unionism has made in South Carolina and indicates the growth of the trade union ideal.

WANT OUTPUT CHECKED BY BUSINESS "COURT"

Boston, May 17.—It is "public lunacy" to produce more than can be consumed, said Bernard M. Baruch, in urging, at a Chamber of Commerce luncheon, the establishment of a "Supreme Court of Business" so that industry "can practice group self-government."

"Overproduction is world-wide and drastic measures are necessary," said Mr. Baruch.

"For a good many centuries the peril of the poor was famine—scarcity of things," he said. "It is a curious parodox that too many things—overproduction—should now be the wolf at the cottage door. Today we have business stagnation because there is more of everything than can be sold at a profit.

"Of course, there is no choice but to slow down production until consumption catches up. That means that capital in industry ceases to earn. People go out of work.

"Why do we have over-production? Because by combination and co-ordination of industry in groupings of enormous wealth and power we have become so efficient that we have increased production three times as fast as population.

"It may have been sound public policy to forbid by law anything that looked to regulation of production when the world was in fear of famine, but it is public lunacy to decree unlimited operation of a system which periodically disgorges indigestible masses of unconsumable products."

STUDY OF ACCIDENTS PROPOSED IN HOUSE

Washington, May 17.—The House Committee on Labor made a favorable report on a bill that would create a division of safety under the Department of Labor to study accidents, disseminate facts and encourage preventive measures.

The proposal has been urged by organized labor and has the indorsement of Secretary of Labor Davis.

In his letter to the committee, Mr. Davis estimates that the probable annual number of industrial deaths range from 12,500 to 35,000, and the number of disabling accidents approximate 2,453,000. The annual wage loss, he said, is at least $1,000,000,000. Compensation paid to these workers approximate $200,000,000 annually, leaving workers bear four-fifths of the economic burden. This is aside from their suffering.

NEVADA COURT RULING OPPOSED BY UNIONISTS

Carson City, Nev., May 17.—Organized labor in this State opposes a decision by Judge G. A. Ballard of the Ormsby County District Court which denies the right of injured workmen to appeal to the courts from decisions of the State Industrial Commission. Attorneys for the Nevada Federation of Labor filed an appeal with the State Supreme Court.

The attorneys declare that if the Ballard decision were allowed to stand it would place supreme judicial power in the hands of politically-controlled State commissions.

The decision was made in two cases where injured workmen filed suit against the State Industrial Commission seeking to have adjusted the compensation allowed them by the commission under the State law. The plaintiffs claimed they had not been allowed the compensation to which they were entitled under the Nevada industrial insurance act.

UPHOLSTERERS ACTIVE; HOLDING THEIR LINES

New York, May 17.—"Adverse business conditions have not weakened the progressive spirit of our membership," says President Wm. Kohn of the Upholsterers' International Union in his monthly review.

"Pittsburgh and Boston have held organization rallies and other localities report similar activities that are a forerunner of decided gains when business improves," said President Kohn. He urges members to maintain their alertness that unfair employers may be prevented from breaking down established conditions.

FILIPINO RESTRICTION DISCUSSED AT HEARING

Washington, May 17.—The Pacific Steamship Owners' Association oppose any check on Filipino immigration, as proposed in the Shortridge bill.

J. H. MacLafferty, speaking for the vessel owners, said passage of the bill "would have an undesirable result on economic conditions in trans-Pacific shipping." The bill was also opposed by Hawaiian sugar planters. W. C. Hushing, A. F. of L. legislative representative, said the bill will reduce competition which American workers are forced to face.

RENEW CONTRACT

St. Louis, Mo., May 17.—Employing bakers have renewed their agreement with Bakers' Union No. 4.